

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LARRY COFFMAN,)
)
Plaintiff,)
)
v.) **No. 4:06-CV-0149-JCH**
)
ALAN BLAKE, et al.,)
)
Defendants.)

ORDER AND MEMORANDUM

This matter is before the Court on plaintiff's motion to reinstate this case, which the Court will construe as motion for reconsideration [Doc. 7]. Plaintiff moves the Court to reconsider its Order of February 24, 2006, dismissing defendants Marty Bellew-Smith, Linda Meade and Jon Rosenboom.

"Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence." *Hagerman v. Yukon Energy Corp.* 839 F.2d 407, 414 (8th Cir. 1988) (*quoting Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir.), *as amended*, 835 F.2d 710 (7th Cir.1987)). Motions to reconsider cannot be employed to tender new legal theories that could have been raised in the original motion. *Rothwell Cotton*, 827 F.2d at 251 (citation omitted).

The Court dismissed defendants Bellew-Smith, Meade and Rosenboom because plaintiff had asserted no specific allegations against said defendants. *Martin v. Sargent*, 780 F.2d 1334, 1338 (8th Cir. 1985) (claim not cognizable under § 1983 where plaintiff fails to allege defendant was personally involved in or directly responsible for incidents that injured plaintiff). In the instant motion, plaintiff alleges that he is limited on movement, that his meals are brought to him

and that the staff turns off the television “before they all go out for there [sic] meals.” Plaintiff asserts no specific allegations against defendants Bellew-Smith, Meade and Rosenboom.

Plaintiff’s motion sets forth no manifest error of law or fact, nor does it present any newly discovered evidence. The circumstances cited by plaintiff do not warrant the Court’s reconsideration of its Order of February 24, 2006, which was carefully and completely considered at that time.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff’s motion to reinstate this case, which the Court construed as motion for reconsideration [Doc. 7], be **DENIED**.

Dated this 8th day of March, 2006.

/s/ **Jean C. Hamilton**
UNITED STATES DISTRICT JUDGE